

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

UNITED STATES OF AMERICA,

**V.**

ALI AL-TIMIMI,

**Defendant.**

**No. 1:04-cr-385 (LMB)**

ORDER

On October 25, 2016, defendant Ali al-Timimi filed a Motion for Acquittal (“Motion”) [Dkt. No. 432], in which he argued that in light of Johnson v. United States, 135 S. Ct. 2551 (2015), 18 U.S.C. § 924(c)(3)(B) is void for vagueness and therefore his convictions under 18 U.S.C. § 924(c) should be set aside. On November 21, 2016, the Court stayed the Motion pending the Supreme Court’s decision in Sessions v. Dimaya, No. 15-1498. [Dkt. No. 439]. On April 17, 2018, the Supreme Court held in Dimaya that a substantially identical provision in 18 U.S.C. § 16(b), as incorporated into 8 U.S.C. § 1101(a)(43)(F), is void for vagueness under the Due Process Clause. Accordingly, it is hereby

ORDERED that the stay of the Motion be and is LIFTED; and it is further


ORDERED that the United States of America SHOW CAUSE within thirty (30) days why the Motion should not be granted; and it is further

ORDERED that defendant will have fourteen (14) days to file any reply to the government's response.

The Clerk is directed to return this case to the active docket of the Court and forward copies of this Order to counsel of record.

Entered this 19<sup>th</sup> day of April, 2018.

## Alexandria, Virginia

1s/   
 Leonie M. Brinkema  
 United States District Judge